

PROCEEDINGS OF THE CITY-PARISH COUNCIL MEETING OF THE CITY-PARISH OF LAFAYETTE, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING OF JUNE 28, 2005.

ATTENDANCE

COUNCIL: Randy Menard – Chair (District 9), Bobby Badeaux (District 1), Dale Bourgeois (District 2), Christopher J. Williams, Ph.D. (District 3), Lenwood Broussard (District 5), Bruce Conque (District 6), Marc Mouton (District 7), Rob Stevenson (District 8)

ABSENT: Louis C. Benjamin, Jr. (District 4)

COUNCIL STAFF: Norma Dugas (Clerk of the Council), Veronica Williams (Assistant Clerk), Sally Angers (Administrative Assistant)

ADMINISTRATIVE STAFF: Dee Stanley (CAO), Eleanor Bouy (Director of Planning, Zoning and Codes), Terry Huval (Utilities Director), Tom Carroll (Public Works Director), Pat Ottinger (Legal Counsel), Randy Hundley (Police Chief), Robert Benoit (Fire Chief), Tony Tramel (Traffic & Transportation Director), Melanie Lewis (Community Development Director)

COMMENCEMENT

(TAPE 1)(SIDE A)(000) AGENDA ITEM NO. 1: Call to order.

Councilmember Randy Menard called the Regular Council Meeting of June 28, 2005 to order.

(TAPE 1)(SIDE A)(002) AGENDA ITEM NO. 2: Invocation and Pledge of Allegiance.

The Chair called upon Councilmember Marc Mouton to give the invocation and then lead the Pledge of Allegiance.

Chair Menard announced that Agenda Item No. 7 - Appeal of Planning Commission action regarding Suburban Oaks Subdivision (PC2005-0030) has been withdrawn.

(TAPE 1)(SIDE A)(000) AGENDA ITEM NO. 3: **EXECUTIVE/PRESIDENT’S REPORT.**
No report was given.

COUNCIL ANNOUNCEMENTS

Mouton recognized Boy Scout Jonathan Barbado with Troop #56 who was attending the meeting in order to be able to earn merit badges in Communication and Citizenship.

Mouton also congratulated Justin Williams, son of Assistant Clerk Veronica Williams, who came out 1st in two events at the Hershey Relays. He said that he qualifies to go to the National Competition.

Williams asked that the Administration resolve the situation with the benches on Vine & Vermilion Streets near Evangeline Apartments and also to check on the lot next to Domengeaux, Wright, Roy & Edwards concerning public parking.

Menard gave a belated Happy Birthday wish to Councilman Lenwood Broussard and Council Office Receptionist Cathy Daudey.

ORDINANCE FOR FINAL ADOPTION – ZONING

(TAPE 1)(SIDE A)(063) AGENDA ITEM NO. 4. O-152-2005 An ordinance of the Lafayette City-Parish Council amending the Comprehensive Zoning Ordinance, Case No. ZON2005-002 Public Transit Advertising Text Change, to permit the Night Owl Transit Service to attach off-premise advertising signs to its buses, and to define and prohibit mobile billboards, motion to adopt by Mouton, seconded by Williams, and the vote was as follows:

YEAS: Williams, Mouton, Menard

NAYS: Badeaux, Bourgeois, Broussard, Conque, Stevenson

ABSENT: Benjamin

ABSTAIN: None

Motion failed.

Eleanor Bouy informed the Council that this amendment to the Zoning Ordinance would be a text change specifically written to allow the Night Owl Transit Service to advertise signs on their vehicles as a means to increase revenues. She stated that this change would not allow for rolling billboards or mobile advertising.

Upon questioning by Williams, Bouy stated that the amendment would not apply to the Lafayette Transit Service. She stated that this ordinance would apply to any vendor who provided the Night Owl Transit Service for Lafayette Consolidated Government and also it does not give any regulations as to the content of the advertisements.

Williams then requested that the Clerk put the discussion of advertisements on the Lafayette Transit Service in the suspense file for a later date and send a letter to the Administration requesting some type of plan outlining what it would take to operate the Night Owl Transit Service for the next several years. He also asked the Administration to provide the revenue source to continue the operation of the Night Owl Transit should this ordinance be defeated.

Stevenson questioned Attorney Richard Becker on the legality of this ordinance change. Becker stated that LCG can establish any parameters it wishes for advertising and if a judgment would be rendered that other vendors could do advertising also, the ordinance could be repealed.

Conque informed the Council that he would vote against this ordinance and urged them to do the same pending the re-writing of the new sign ordinance.

Broussard opined that it seems like Lafayette Consolidated Government would be selectively choosing who can have signs.

Stanley injected that ridership is up despite fare increases, which means an increase in revenues. He stated that the Administration shares the concerns about the ripple effect this ordinance could create.

Upon questioning by Menard, Tramel informed the Council that there is a 20% increase in riders and approximately a 25% increase in revenues for the Night Owl Transit Service.

Mouton praised the outstanding service the Night Owl Transit Service has provided and questioned Tramel on the number of buses that run every night. Tramel responded that there are four (4) buses that run nightly plus some vans occasionally.

(TAPE 1)(SIDE A)(402) AGENDA ITEM NO. 5. O-153-2005 An ordinance of the Lafayette City-Parish Council amending the Comprehensive Zoning Ordinance so as to reclassify the property of Jeray, Inc., Case No. ZON 2005-012 Deraney Place Property Rezoning, located generally east of South College Road and south of Myrtle Street, from B-1-0 (Business Office-Special) to R-2 (Multi-Family Residential), motion to adopt by Conque, seconded by Bourgeois, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: Williams

ABSENT: Benjamin

ABSTAIN: None

Motion was approved.

Jim Parker, Zoning Inspector, stated that this property was rezoned in 2003 from R-2 to B-1-O because the developer originally thought that they would put an office building on this location. He said they are now requesting that the zoning be changed back to the original classification of R-2 to build townhouses. Parker also said that the townhouse complex would generate less traffic than the office building.

Upon questioning by Mouton, Parker said that the entrance and egress would be on South College and Myrtle Streets.

Conque acknowledged that this is in his district and that he received a letter from thirteen (13) residents, who live in the subdivision across the street, opposing the rezoning because of the adverse impact from additional traffic. Despite this, he is still in favor of this change because it meets the guidelines for smart growth and asked the Council to support this change.

(TAPE 1)(SIDE A)(548) AGENDA ITEM NO. 6. O-154-2005 An ordinance of the Lafayette City-Parish Council amending the Comprehensive Zoning Ordinance and the Official Map of the City of Lafayette, providing for the annexation of additional land into the corporate limits of the City of Lafayette, Louisiana, Case No. ZON2005-14 Tolson Oaks Annexation (Lots 1-22), located generally north of Tolson Road and South of Darbonne Road, which is located within Lafayette City-Parish Council District No. 7 for voting purposes, and assigning a zoning classification of R-1-A (Single-Family Residential), motion to adopt by Mouton, seconded by Conque, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: Williams

ABSENT: Benjamin

ABSTAIN: None

Motion was approved

Denise Womack, PZC Planner, stated that this is Phase I of Tolson Oaks Subdivision and they are requesting the most restrictive residential zoning, which requires that lots be a minimum of 8,500 square feet.

APPEALS

(TAPE 1)(SIDE A)(591) AGENDA ITEM NO. 7. Appeal of Planning Commission action regarding Suburban Oaks Subdivision (PC2005-0030). This item was withdrawn by the appellant, Gilbert H. Dozier, in a letter dated June 24, 2005.

(TAPE 1)(SIDE A)(592) AGENDA ITEM NO. 8. REPORTS AND/OR DISCUSSION ITEMS

a) Recognize Al Leger - newly appointed director of the Louisiana Department of Veterans Affairs. Mr. Leger stated that he was not the director, but the Supervisor of the Lafayette Parish Service Office and asked the Council for continued support. He said that, in return for LCG's contribution of \$100,000, there is 16.1 million dollars of economic impact brought back to Lafayette Parish. He also informed the Council that he and Mr. John Hansen are the new counselors.

b) Recognize Douglas Guidry in regards to Monroe Subdivision conditions. Williams asked that this item be deferred until the August 2, 2005 meeting because Mr. Guidry was not present.

c) Status Report from Planning, Zoning & Codes on Central Business Zoning District relative to bars and lounges.

Conque stated that he requested this report because the ordinance calls for a status report no later than 24 months from the effective date of the ordinance.

Eleanor Bouy, Director of Planning, Zoning & Codes, presented a report on the bars and lounges in the Central Business District. She stated that the Council adopted Ordinance No. O-131-2003, which was a text change in the Zoning Ordinance, prohibiting any new bars/lounges in the Central Business District (C-B-D) Zoning District. The ordinance also defines a restaurant that serves alcohol as a separate use from a bar/lounge by adding further minimum requirements, one of which is to derive greater than 50% of its gross sales income from the sale of food and food items. She also informed the Council that this was not a moratorium, so therefore no approval, extension, or action is necessary by the Council. Bouy stated that this was a permanent change to the Zoning Ordinance.

Upon questioning by Bourgeois, Bouy stated that the State is the entity that audits restaurants serving alcohol to determine if they meet the requirement for the percentage of income derived from the sale of food and food items. She also said that her department can request an audit at any time and that the State usually responds within a month.

Menard asked that an audit and report be requested from the State with reference to compliance to the 51% food service requirement for restaurants with bars as secondary uses in the Central Business District.

Williams asked PZC to add other full service downtown restaurants that were not included on the map identifying the bars and restaurants/secondary bars and that this be noted in a different color. He also stated that he has received complaints about the bar downtown called "Artsmophere" and

requested that the Administration check for compliance and nuisances, such as noise, obscenity and liquor violations and to see what it would take to rescind their liquor license.

d) Update on Holiday Gardens Drainage.

Menard stated that this item is on the agenda at the request of C. Bodensteiner, a resident of Holiday Gardens Subdivision.

Public Works Director, Tom Carroll, gave an update on the Holiday Gardens Drainage project. He informed the Council that right-of-ways from the City of Broussard are needed and after further examination it looks like the pipe crossing under Albertson Parkway is undersized. He stated that the water & sewerage projects are almost complete and as soon as this is done, the plans are to do some extensive cleaning of the extension ditch.

Menard commented that, contrary to rumors going around, there are no public works projects going on in Holiday Gardens. Carroll verified this.

Person speaking in support of this project was C. Bodensteiner who said that this has been talked about for over two years and nothing has been done. He stated that all that the residents want is for the drainage to be fixed. He also asked Public Works to check out the pipe that some residents have had installed in the ditches for compliance.

Menard assured Mr. Bodensteiner that funding is in the budget for this project and it is moving forward.

Individuals who signed in support of drainage improvements but did not wish to speak were: Virginia G. Prine and Jaywood P. Domingue.

COMMENTS FROM THE PUBLIC

(TAPE 1)(SIDE B)(337) AGENDA ITEM NO. 9. Comments from the public on other matters.

The following individuals addressed the Council:

Jack Franks, II - addressed the Council concerning litter problems in his neighborhood (Sandest Drive/Failla Street area) and asked that the Sheriff's Department be contacted to help with the clean-up; Speeding Problem in the Failla Road area - asked for traffic control study; how often does Mosquito Control spray; and the need for more signs denoting Hurricane Evacuation Routes in the rural areas.

Menard requested that Veronica Williams, Assistant Clerk, contact Judge Thomas Duplantier or the Sheriff about the litter clean-up; asked Tony Tramel to study the possibility of traffic calming devices in the Failla Road area and that Mr. Franks be given the information on Mosquito Control spraying schedule. He also requested that Williams provide him with the particulars in the Mosquito Control Contract as it pertains to the required number of sprayings.

Cheryl Babineaux - requested additional bus benches on the Northside and also in front of Our Lady of Lourdes Hospital; complained about junk vehicles in the Doc Duhon Road area and the need for "Children at Play" signs.

Stanley said that he is in discussions with Sheriff Neustrom about taking over the benches from Acadiana Bottling and putting public service announcements on them.

Andy Hebert spoke about the call for the July 16th election on the issuance of utility bonds. Mr. Hebert asked for additional time and was denied for lack of a 2/3 majority, the vote being as follows:

YEAS: Bourgeois, Williams, Conque, Mouton

NAYS: Badeaux, Stevenson, Menard

ABSENT: Benjamin, Broussard

ADJOURN

(TAPE 2)(SIDE A)(020) There being no further business to come before the Council, Chair Menard declared the Regular Meeting adjourned.

/s/ Norma A. Dugas
NORMA A. DUGAS, CLERK
LAFAYETTE CITY-PARISH COUNCIL